House Resolution 1036

5

By: Representatives Bearden of the 68th, Powell of the 29th, and Davis of the 109th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to

- 2 revise and clarify the provisions concerning the use of eminent domain; to provide for the
- 3 purposes for which eminent domain may be used; to provide for related matters; to provide
- 4 for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6	SECTION 1.
7	Article I, Section III of the Constitution is amended by striking Paragraph I and inserting a
8	new Paragraph I to read as follows:
9	"Paragraph I. <i>Eminent domain</i> . (a)(1) Except as otherwise provided in this Paragraph,
0	private property shall not be taken or damaged for public purposes without just and
1	adequate compensation being first paid.
2	(2) Private property may only be taken or damaged through the exercise of the power
3	of eminent domain:
4	(A) When such private property is taken for a public purpose, as defined by the
5	General Assembly, by the state or a county or municipality of the state and title to such
6	property remains in the state or such county or municipality and is not transferred to any
7	other entity, public or private;
8	(B) When such private property is taken for public transportation services or public
9	utility services by a private entity to whom the General Assembly has given the
20	authority to exercise the right of eminent domain and the title to such property remains
21	in such private entity and is used exclusively for such services;
22	(C) When such private property is taken by the state or a county or municipality of
23	the state for the purpose of eliminating blighted areas and the title to such property
24	remains in the state or such county or municipality of the state or is transferred to a
25	private entity for the purpose of eliminating such blighted conditions. As used in this
26	subnaragraph, the term 'blighted areas' means:

predominantly residential in character and which, by reason of: (I) Dilapidation, deterioration, age, or obsolescence; (II) Inadequate provision for ventilation, light, air, sanitation, or open (III) High density of population and overcrowding: (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent domatitle to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation of event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supprose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor aprivate developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value o		
(II) Dilapidation, deterioration, age, or obsolescence; (III) Inadequate provision for ventilation, light, air, sanitation, or open (III) High density of population and overcrowding: (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of; (IV) Unsanitary or unsafe conditions; (III) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent domain title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the superpurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suction aprivate developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	1	(i) Areas in which there is a predominance of buildings or improvements which are
(II) Inadequate provision for ventilation, light, air, sanitation, or open (III) High density of population and overcrowding: (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined general Assembly, by the state, a county or municipality of this state, or a privaturb or such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the ceminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the stake purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	2	predominantly residential in character and which, by reason of:
(III) High density of population and overcrowding; (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of; (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the spurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development, increase the taxable value of the property, or promote economic development.	3	(I) Dilapidation, deterioration, age, or obsolescence;
causes; or (V) Any combination of such factors. are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions: (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fix causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent domain title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the safe of the state or a county, municipality, or other governmental entity of the safe purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development, increase the taxable value of the property, or promote economic development.	4	(II) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
(V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of; (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value o (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose of conomic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic de-	5	(III) High density of population and overcrowding;
(V) Any combination of such factors, are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fire causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the safe purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suct to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	6	(IV) The existence of conditions which endanger life or property by fire or other
are conducive to ill health, transmission of disease, infant mortality delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent domain title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the ceminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the spurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctoal private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	7	<u>causes; or</u>
delinquency, and crime and are detrimental to the public health, safety, welfare; and (ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fix causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the public safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined authorized by the General Assembly to exercise the power of eminent domain at title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor aprivate developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	8	(V) Any combination of such factors,
welfare; and (ii) Areas which, by reason of: (II) Unsanitary or unsafe conditions; (III) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fix causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the pubseafety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined and title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this fooly the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	9	are conducive to ill health, transmission of disease, infant mortality, juvenile
(ii) Areas which, by reason of: (I) Unsanitary or unsafe conditions; (II) Deterioration of site improvements; (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent domatitle to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this Fonly the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the spurpose of conomic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	10	delinquency, and crime and are detrimental to the public health, safety, morals, or
(II) Deterioration of site improvements: (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property by find the existence of conditions which endanger life or property as defined by the safety of endanger life or property. (3) When exercising the power of eminent domain as authorized under this find the exercising the power of eminent domain as authorized under this find the property has a defined by the General Assembly by generation of the existence of the eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor aprivate developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	11	welfare; and
(III) Deterioration of site improvements: (III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the puberafety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defined by the General Assembly, by the state, a county or municipality of this state, or a private to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suctor a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development, or other property, or promote economic development, or other property, or promote economic development, increase the taxable value of the property, or promote economic development, increase the taxable value of the property, or promote economic development, increase the taxable value of the property, or promote economic development, increase the taxable value of the property, or promote economic development, increase the taxable value of the property.	12	(ii) Areas which, by reason of:
(III) Tax or special assessment delinquency exceeding the fair value of (IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors, constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the spurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc	13	(I) Unsanitary or unsafe conditions;
(IV) The existence of conditions which endanger life or property by fit causes; or (V) Any combination of such factors. constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this F only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the s purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic de-	14	(II) Deterioration of site improvements;
(V) Any combination of such factors. constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	15	(III) Tax or special assessment delinquency exceeding the fair value of the land;
(V) Any combination of such factors. constitute an economic or social liability and are a menace to the pub safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a private by the General Assembly to exercise the power of eminent domatitle to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this formulated in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generating in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suct to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	16	(IV) The existence of conditions which endanger life or property by fire or other
safety, morals, or welfare in their present condition and use; or (D) When private property is damaged for a public purpose, as defin General Assembly, by the state, a county or municipality of this state, or a pri authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this I only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generatin no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	17	<u>causes; or</u>
20 safety, morals, or welfare in their present condition and use; or 21 (D) When private property is damaged for a public purpose, as define 22 General Assembly, by the state, a county or municipality of this state, or a private property by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. 22 (3) When exercising the power of eminent domain as authorized under this Ferrometric only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. 23 (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suct to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	18	(V) Any combination of such factors,
21 (D) When private property is damaged for a public purpose, as defin 22 General Assembly, by the state, a county or municipality of this state, or a private property developerty remains in the owner of such property. 23 (3) When exercising the power of eminent domain as authorized under this policy the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. 24 (4) A public purpose shall be as defined by the General Assembly by generating in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	19	constitute an economic or social liability and are a menace to the public health,
23 General Assembly, by the state, a county or municipality of this state, or a private authorized by the General Assembly to exercise the power of eminent doma title to such property remains in the owner of such property. 24 (3) When exercising the power of eminent domain as authorized under this Found only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. 26 (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	20	safety, morals, or welfare in their present condition and use; or
23 authorized by the General Assembly to exercise the power of eminent domated title to such property remains in the owner of such property. 24 (3) When exercising the power of eminent domain as authorized under this Power of eminer the power of emineral Assembly by general to a public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the surpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suct to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	21	(D) When private property is damaged for a public purpose, as defined by the
title to such property remains in the owner of such property. (3) When exercising the power of eminent domain as authorized under this Foundation only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the suppose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	22	General Assembly, by the state, a county or municipality of this state, or a private entity
25 (3) When exercising the power of eminent domain as authorized under this E 26 only the minimum amount of private property necessary to achieve the 27 permitted in this Paragraph shall be taken or damaged. 28 (4) A public purpose shall be as defined by the General Assembly by general 29 in no event shall a public purpose be defined or construed to include the e 30 eminent domain solely or primarily for the purpose of improving tax revenue 31 base of the state or a county, municipality, or other governmental entity of the s 32 purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc 33 take property for the purpose of transferring, leasing, or allowing the use of suc 34 to a private developer, corporation, or other entity solely or primarily to attempt 35 tax revenue, increase the taxable value of the property, or promote economic development.	23	authorized by the General Assembly to exercise the power of eminent domain and the
only the minimum amount of private property necessary to achieve the permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	24	title to such property remains in the owner of such property.
permitted in this Paragraph shall be taken or damaged. (4) A public purpose shall be as defined by the General Assembly by generation no event shall a public purpose be defined or construed to include the eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	25	(3) When exercising the power of eminent domain as authorized under this Paragraph,
(4) A public purpose shall be as defined by the General Assembly by general in no event shall a public purpose be defined or construed to include the element domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the supurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	26	only the minimum amount of private property necessary to achieve the purposes
in no event shall a public purpose be defined or construed to include the e eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the s purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	27	permitted in this Paragraph shall be taken or damaged.
eminent domain solely or primarily for the purpose of improving tax revenue base of the state or a county, municipality, or other governmental entity of the s purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic developer.	28	(4) A public purpose shall be as defined by the General Assembly by general law, but
base of the state or a county, municipality, or other governmental entity of the spurpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic development.	29	in no event shall a public purpose be defined or construed to include the exercise of
purpose of economic development. The power of eminent domain shall not take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic developer.	30	eminent domain solely or primarily for the purpose of improving tax revenue or the tax
take property for the purpose of transferring, leasing, or allowing the use of suc to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic developer.	31	base of the state or a county, municipality, or other governmental entity of the state or the
to a private developer, corporation, or other entity solely or primarily to attempt tax revenue, increase the taxable value of the property, or promote economic developer.	32	purpose of economic development. The power of eminent domain shall not be used to
tax revenue, increase the taxable value of the property, or promote economic dev	33	take property for the purpose of transferring, leasing, or allowing the use of such property
	34	to a private developer, corporation, or other entity solely or primarily to attempt to expand
36 except as specifically provided in this Danggraph for blighted areas	35	tax revenue, increase the taxable value of the property, or promote economic development
Except as specifically provided in this raragraph for origined areas.	36	except as specifically provided in this Paragraph for blighted areas.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

(5) Prior to exercising the power of eminent domain to take private property for public purposes, the entity exercising such power shall file a declaration of taking specifically setting forth the purpose for such taking and such other information as the General Assembly may require by general law. Such entity shall have a period not to exceed three years from the date the estate or interest in the condemned property is acquired in which to commence public use of the condemned property in the manner set forth in the declaration. If such use does not commence during such period, such entity shall offer the owner of such property at the time of its acquisition or, if the tract from which such entity acquired such property has been subsequently sold, the owner of abutting land holding title through the owner from whom such entity acquired such property the option to purchase such property at the price paid to the previous owner for its acquisition by eminent domain by such entity. The manner of providing such offer and the manner of purchasing such property shall be as provided by the General Assembly by general law. For purposes of this subparagraph, if the declared use is the use of a building or structure to be erected or renovated on such property, such use shall be deemed to commence when actual erection or renovation of the building or structure commences on such property, which shall not include land clearing, road building, laying of utility lines or pipes, or other such site preparation.

- (b) When private property is taken or damaged by the state or the counties or municipalities of the state for public road or street purposes, or for public transportation purposes, or for any other public purposes as determined by the General Assembly, just and adequate compensation therefor need not be paid until the same has been finally fixed and determined as provided by law; but such just and adequate compensation shall then be paid in preference to all other obligations except bonded indebtedness.
- (c) The General Assembly may by law require the condemnor to make prepayment against adequate compensation as a condition precedent to the exercise of the right of eminent domain and provide for the disbursement of the same to the end that the rights and equities of the property owner, lien holders, and the state and its subdivisions may be protected.
- (d) The General Assembly may provide by law for the payment by the condemnor of reasonable expenses, including attorney's fees, incurred by the condemnee in determining just and adequate compensation.
- (e) Notwithstanding any other provision of the Constitution, the General Assembly may provide by law for relocation assistance and payments to persons displaced through the exercise of the power of eminent domain or because of public projects or programs; and the powers of taxation may be exercised and public funds expended in furtherance thereof."

SECTION 2.

- 2 The above proposed amendment to the Constitution shall be published and submitted as
- 3 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
- 4 above proposed amendment shall have written or printed thereon the following:
- 5 "() YES Shall the Constitution of Georgia be amended so as to revise and clarify the
- 6 () NO purposes for which the power of eminent domain may be used?"
- 7 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 8 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 9 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 10 become a part of the Constitution of this state.